

CHAPTER 1079

PERSONS WITH DISABILITIES — MISCELLANEOUS PROVISIONS

S.F. 2202

AN ACT relating to rights of persons with disabilities.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 216B.3, subsection 9, Code Supplement 2009, is amended to read as follows:

9. Provide library services to persons who are blind and persons with ~~physical~~ disabilities.

Sec. 2. Section 216B.4, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The director may accept financial aid from the government of the United States for carrying out rehabilitation and physical restoration of the blind and for providing library, news, and information services to persons who are blind and persons with ~~physical~~ disabilities.

Sec. 3. Section 216C.1, Code 2009, is amended to read as follows:

216C.1 Participation by persons with disabilities.

1. It is the policy of this state to encourage and enable persons who are blind or partially blind and persons with ~~physical~~ disabilities to participate fully in the social and economic life of the state and to engage in remunerative employment.

2. To encourage participation by persons with disabilities, it is the policy of this state to ensure compliance with federal requirements concerning persons with disabilities.

Sec. 4. Section 216C.2, Code 2009, is amended to read as follows:

216C.2 Public employment.

Persons who are blind or partially blind and persons with ~~physical~~ disabilities shall be employed in the state service, the service of the political subdivisions of the state, the public schools, and all other employment supported in whole or in part by public funds, on the same terms and conditions as other persons, unless it is shown that the particular disability prevents the performance of the work required.

Sec. 5. Section 216C.3, Code 2009, is amended to read as follows:

216C.3 Free use of public facilities.

Persons who are blind or partially blind and persons with ~~physical~~ disabilities have the same right as other persons to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public elevators, public facilities, and other public places.

Sec. 6. Section 216C.4, Code 2009, is amended to read as follows:

216C.4 Accommodations.

Persons who are blind or partially blind and persons with ~~physical~~ disabilities are entitled to full and equal accommodations, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats, other public conveyances or modes of transportation, hotels, lodging places, eating places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

Sec. 7. Section 216C.9, Code 2009, is amended to read as follows:

216C.9 Curb ~~cutouts~~ and ramps and sloped areas for persons with disabilities.

1. ~~Curbs constructed along any public street in this state, when the street is paralleled or intersected by sidewalks, or when city ordinances or other lawful regulations will require the construction of sidewalks parallel to or intersecting the street, shall be constructed with not less than two curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty inches wide, shall be sloped at not greater than one inch of rise per twelve inches lineal distance, except that~~

~~a slope no greater than one inch of rise per eight inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for persons with physical disabilities using the sidewalk. If a street, road, or highway in this state is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path in this state is newly built or altered,~~¹ ~~a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road.~~

~~2. The requirements of subsection 1 shall apply after January 1, 1975, to all new curbs constructed and to all replacement curbs constructed at any point along a public street which gives reasonable access to a crosswalk.~~

~~3. 2. Curbs constructed~~ Curb ramps and sloped areas that are subject to the requirements of required pursuant to this section shall ~~comply be~~ constructed or installed in compliance with applicable federal requirements concerning persons with disabilities adopted in accordance with the federal Americans With Disabilities Act, including but not limited to the guidelines issued by the federal architectural and transportation barriers compliance board.

Sec. 8. Section 216C.10, Code 2009, is amended to read as follows:

216C.10 Use of hearing dog.

A deaf or hard-of-hearing person has the right to be accompanied by a hearing dog, under control and especially trained at a recognized training facility to assist the deaf or hard-of-hearing by responding to sound, in any place listed in sections 216C.3 and 216C.4 without being required to make additional payment for the hearing dog. A landlord shall waive lease restrictions on the keeping of dogs for a deaf or hard-of-hearing person with a hearing dog. The deaf or hard-of-hearing person is liable for damage done to any premise or facility by a hearing dog.

A person who denies or interferes with the right of a deaf or hard-of-hearing person under this section is, upon conviction, guilty of a simple misdemeanor.

Sec. 9. Section 216C.11, Code Supplement 2009, is amended to read as follows:

216C.11 Service dogs and assistive animals.

1. For purposes of this section, “service dog” means a dog specially trained at a recognized training facility to assist a person with a disability, whether described as a service dog, a support dog, an independence dog, or otherwise. “Assistive animal” means a simian or other animal specially trained or in the process of being trained under the auspices of a recognized training facility to assist a person with a disability.

2. A person with a disability, a person assisting a person with a disability by controlling an assistive animal, or a person training an assistive animal has the right to be accompanied by a service dog or an assistive animal, under control, in any of the places listed in sections 216C.3 and 216C.4 without being required to make additional payment for the service dog or assistive animal. A landlord shall waive lease restrictions on the keeping of animals for the service dog or assistive animal of a person with a disability. The person is liable for damage done to any premises or facility by a service dog or assistive animal.

3. A person who knowingly denies or interferes with the right of a person under this section is, upon conviction, guilty of a simple misdemeanor.

Sec. 10. Section 321.445, subsection 5, Code 2009, is amended to read as follows:

5. The department shall adopt rules pursuant to chapter 17A providing exceptions from application of subsections 1 and 2 for front seats and front seat passengers of motor vehicles owned, leased, rented, or primarily used by persons with physical disabilities who use collapsible wheelchairs.

¹ See chapter 1193, §43 herein

Sec. 11. Section 331.324, subsection 1, paragraph n, Code 2009, is amended to read as follows:

n. Employ persons who are blind or partially blind and persons with ~~physical~~ disabilities in accordance with section 216C.2.

Sec. 12. Section 331.361, subsection 5, paragraph g, Code 2009, is amended to read as follows:

g. Comply with section 216C.9 if ~~curbs and~~ curb ramps and sloped areas are constructed.

Sec. 13. Section 331.461, subsection 2, paragraph g, Code 2009, is amended to read as follows:

g. Housing for persons who are elderly or persons with ~~physical~~ disabilities.

Sec. 14. Section 335.32, Code 2009, is amended to read as follows:

335.32 Homes for persons with ~~physical~~ disabilities.

A county board of supervisors or county zoning commission shall consider a home for persons with ~~physical~~ disabilities a family home, as defined in section 335.25, for the purposes of zoning, in accordance with chapter 504C.

Sec. 15. Section 384.24, subsection 2, paragraph k, Code Supplement 2009, is amended to read as follows:

k. Housing for persons who are elderly or persons with ~~physical~~ disabilities.

Sec. 16. Section 403A.7, subsection 1, paragraph c, subparagraph (1), subparagraph division (a), Code 2009, is amended to read as follows:

(a) The family size, composition, age, ~~physical~~ disabilities, and other factors which might affect the rent-paying ability of the person or family.

Sec. 17. Section 414.30, Code 2009, is amended to read as follows:

414.30 Homes for persons with ~~physical~~ disabilities.

A city council or city zoning commission shall consider a home for persons with ~~physical~~ disabilities a family home, as defined in section 414.22, for purposes of zoning in accordance with chapter 504C.

Sec. 18. Section 504C.1, subsections 1 and 2, Code 2009, are amended to read as follows:

1. For the purposes of this chapter, "~~physical disability~~" "disability" means a physical impairment that results in significant functional limitations in one or more areas of major life activity and in the need for specialized care, treatment, or training services of extended duration.

2. Individuals with ~~physical~~ disabilities may form nonprofit corporations pursuant to chapter 504 for the sole purpose of establishing homes for persons with disabilities which are intended to serve two to five residents who are members of the nonprofit corporation.

Sec. 19. Section 714.19, subsection 5, Code 2009, is amended to read as follows:

5. Nonprofit schools exclusively engaged in training persons with ~~physical~~ disabilities in the state of Iowa.

Sec. 20. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.

Approved March 22, 2010

CHAPTER 1080**HORIZONTAL PROPERTY — BOARDS OF ADMINISTRATION***S.F. 2224*

AN ACT relating to boards of administration for horizontal property.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 499B.15, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. If the form of administration is a board of administration, board meetings must be open to all apartment owners except for meetings between the board and its attorney with respect to proposed or pending litigation where the contents of the discussion would otherwise be governed by the attorney-client privilege. Notice of each board meeting must be mailed or delivered to each apartment owner at least seven days before the meeting. Minutes of meetings of the board of administration must be maintained in written form or in another form that can be converted into written form within a reasonable time. The official records of the board of administration must be open to inspection and available for photocopying at reasonable times and places. Any action taken by a board of administration at a meeting that is in violation of any of the provisions of this subsection is not valid or enforceable.

Approved March 22, 2010

CHAPTER 1081**MOTOR VEHICLE FRANCHISE REGULATION***S.F. 2234*

AN ACT relating to the regulation of motor vehicle franchises.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 322A.1, subsection 5, Code 2009, is amended to read as follows:

5. *a.* “Franchise” means a contract between two or more persons when all of the following conditions are included:

a. (1) A commercial relationship of definite duration or continuing indefinite duration is involved.

b. (2) The franchisee is granted the right to offer and sell motor vehicles manufactured or distributed by the franchiser.

c. (3) The franchisee, as an independent business, constitutes a component of franchiser’s distribution system.

d. (4) The operation of the franchisee’s business is substantially associated with the franchiser’s trademark, service mark, trade name, advertising, or other commercial symbol designating the franchiser.

e. (5) The operation of the franchisee’s business is substantially reliant on franchiser for the continued supply of motor vehicles, parts, and accessories.

b. “Franchise” includes a separate written agreement between the franchisee and the franchiser which materially affects the franchise, whether entered into prior to the date of the franchise, contemporaneously with the franchise, or subsequent to the date of the franchise.

Sec. 2. **NEW SECTION. 322A.18 Duty of good faith.**

A franchise imposes on the parties a duty of good faith in performance and enforcement